



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 27 2003  
TECH CENTER 1600/2001

In re application of

KURZ, Thekla, et al. : Group Art Unit: 1617

Serial No.: 09/889,930 : Examiner: Shengjun Wang

Filed: October 3, 2001 :

For: LYOPHILISATES WITH IMPROVED RECONSTITUTIBILITY

**BRIEF ON APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Notification of Non-Compliance With The Requirements of 37 CFR 1.192(c), and further to the Notice of Appeal filed on February 20, 2003, herewith are three copies of Appellants' Brief on Appeal.

No fee is believed due at this time, nevertheless, the Commissioner is hereby authorized to charge any fees associated with this Brief on Appeal or credit any overpayment to Deposit Account No. 13-3402.

This is an appeal from the decision of the Examiner finally rejecting claims 13, 14, 16 and 18-28 of the above-identified application.

**(1) REAL PARTY IN INTEREST**

The real party in interest in the present application is Merck Patent GmbH., to whom the present application was assigned on September 28, 2001.

**(2) RELATED APPEALS AND INTERFERENCES**

There are no known related appeals or interferences.